

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KOBY LEE FRANCIS,

Plaintiff,

v.

MAJOR ADAM SMITH, SERGEANT  
GILLESPIE, CAPTAIN BRIAN JOSEPH II,  
SGT. RADACCI, WARDEN ORLANDO  
HARPER,

Defendants.

2:21-CV-00948-CCW

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On December 19, 2022, the Magistrate Judge issued a Report, ECF No. 40, recommending that this case be dismissed with prejudice for Plaintiff's failure to prosecute insofar as Plaintiff has failed to comply with the Court's orders, *see* ECF Nos. 38 & 39, to file a response to the pending Motion to Dismiss, ECF No. 36. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, it hereby is **ORDERED** that this case is **DISMISSED WITH PREJUDICE** for failure to prosecute, and the Magistrate Judge's Report and Recommendation, ECF No. 40, is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

DATED this 11th day of January, 2023.

BY THE COURT:

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via U.S. mail):

KOBY LEE FRANCIS  
186101  
Allegheny County Jail  
950 Second Avenue  
Pittsburgh, PA 15219  
PRO SE